

#4119

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INSTRUMENT OF RELEASE AND SATISFACTION OF MORTGAGE.

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS, The Birmingham Water Works Company, a corporation of the State of Alabama (hereinafter called the Company) entered into an Indenture of Mortgage or Deed of Trust (hereinafter called the Original Indenture) dated as of July 1, 1939 with Chemical Bank & Trust Company, a corporation of the State of New York, as Trustee (hereinafter called the Trustee); and

WHEREAS, the Original Indenture is to be found of record in Volume 3008 beginning at page 208 of the Record of Mortgages in the office of the Judge of Probate of Jefferson County, Alabama, and in Volume 252 beginning at page 48 of the Record of Mortgages in the office of the Judge of Probate of Jefferson County, Alabama, Bessemer Division, and in Volume 181 beginning at page 137 of the Record of Mortgages in the office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, the Company entered into a certain First Supplemental Indenture (hereinafter called the Supplemental Indenture) dated as of the first day of April, 1949, with the Trustee, which is to be found of record in the respective Probate Offices above mentioned, as follows:-

Jefferson County, Alabama, Volume 4203 beginning at page 284;
Jefferson County, Alabama (Bessemer Division), Volume 414
beginning at page 434;
Shelby County, Alabama, Volume 208 beginning at page 11;

and

WHEREAS, there have been issued under the Original Indenture First Mortgage Bonds, Series A, 3 1/2%, due July 1, 1964 (hereinafter called the Series A Bonds) in the principal amount of \$9,500,000, and there have been issued under the Original Indenture and the Supplemental Indenture First Mortgage Bonds, Series B, 3 1/8%, due April 1, 1979 (hereinafter called the Series B Bonds) in the principal amount of \$1,525,000 of which \$7,000 principal amount have heretofore been redeemed pursuant to the Sinking Fund provisions provided for in the Supplemental Indenture; and

WHEREAS, the Company has purchased and surrendered to the Trustee for cancellation all the Series A Bonds and Series B Bonds presently outstanding and has paid to the Trustee all other sums due under or secured or intended to be secured by the Original Indenture and the Supplemental Indenture; and

WHEREAS, the Company has requested that the Trustee discharge the lien of the Original Indenture and the Supplemental Indenture, and release and re-convey to the Company the estate and title conveyed by said Indentures;

NOW, THEREFORE, in consideration of the premises, the undersigned Chemical Bank & Trust Company, as Trustee under said respective Indentures, does hereby certify and acknowledge that all indebtedness of every kind and character secured by the Original Indenture and the Supplemental Indenture has been paid, satisfied and discharged in full, and that the lien of said Indentures has been and is hereby released and said Indentures have been and are hereby satisfied, cancelled and discharged and the Trustee does hereby release, remise and quitclaim unto said The Birmingham Water Works Company, its successors and assigns, all right, title and interest vested in the Trustee under said Indentures in and to all property subject to the lien thereof.

Chemical Bank & Trust Company, as Trustee, does further severally authorize and direct the Probate Judge in Jefferson County and in Shelby County, in the State of Alabama, and the Clerks of the Probate Offices in said Counties and in the several divisions thereof to enter on the margin of the record of said Indentures in such offices the fact of the release of the lien of said Indentures and the satisfaction and discharge thereof.

IN WITNESS WHEREOF, Chemical Bank & Trust Company has caused this instrument to be signed in its corporate name by one of its Vice Presidents and sealed with its corporate seal, attested by its Secretary, or one of its Assistant Secretaries, this 9th day of July, 1951.

CHEMICAL BANK & TRUST COMPANY

ATTEST:

E. Q. Hatchell

Assistant Secretary

by

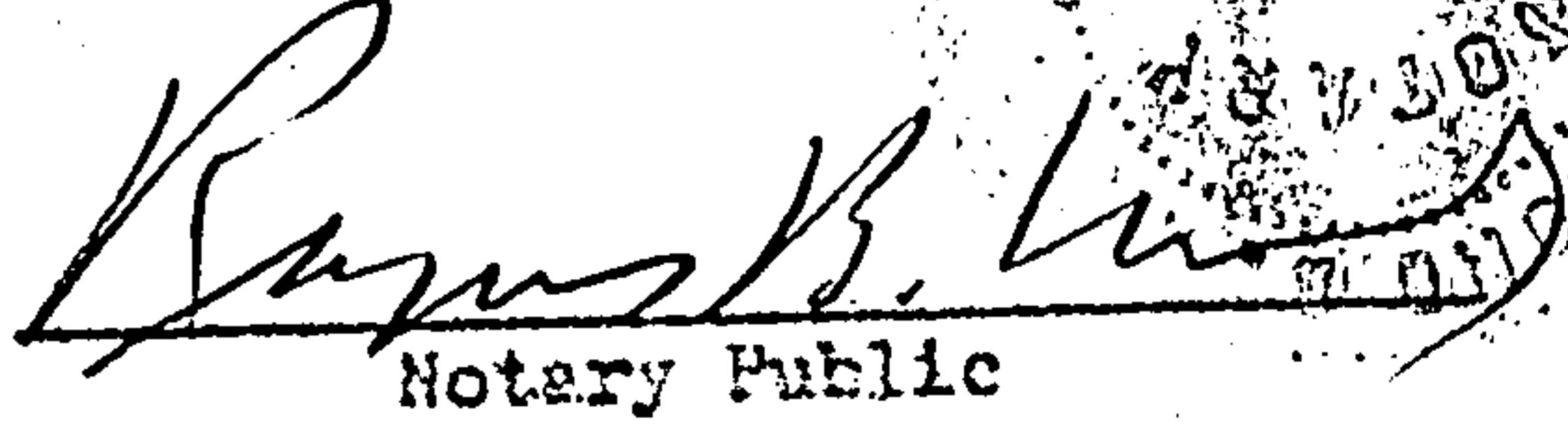
W. M. McCall Jr.

Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK

I, the undersigned authority, in and for said County, in said State, hereby certify that H. M. McCALL JR. whose name is Vice President of Chemical Bank & Trust Company, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this 9th day of July, 1951.


Notary Public

Filed in the office of the Probate Judge on the 28 day of July 1951 at 10 o'clock A.M.
and recorded in Deed Book 147 Page 308 this 30 day of July 1951.
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate